IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 22076 of 2004(C)

PETITIONER:

M.P.CHANDU, SENIOR SUPERINTENDENT (RETD),
'MIDHUN', VENGARA P.O. - 670 305.
(SENIOR SUPERINTENDENT, MADAI GRAMA PANCHAYAT).

BY ADV. SRI.M.V.BOSE,
SRI.VINOD MADHAVAN,
SMT.NISHA BOSE.

RESPONDENTS:
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1. **THE ACCOUNTANT GENERAL (A&E) KERALA,**
   M.G.ROAD, THIRUVANANTHAPURAM- 695 039.

2. **THE DIRECTOR OF PANCHAYATS,**
   THIRUVANANTHAPURAM.

3. **THE ASSISTANT DIRECTOR OF**
   PANCHAYATS, KANNUR.

4. **THE SPECIAL GRADE SECRETARY,**
   MADAI GRAMA PANCHAYAT, MADAI, KANNUR DISTRICT.

5. **THE SPECIAL DEPUTY TAHSILDAR,**
   (REVENUE RECOVERY), KANNUR.

BY ADV. SRI.V.N.RAMESAN NAMBISAN FOR R4,
GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN FOR R5.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.22076/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE GRATUITY PAYMENT ORDER DTD. 01/06/1999.

EXT.P.2: COPY OF THE LETTER DTD. 25/05/2000 FROM THE R.1.

EXT.P.3: COPY OF THE LETTER DTD. 29/08/00 WITH EXTRACT OF THE AUDIT REPORT.

EXT.P.4: COPY OF THE LETTER DTD. 27/11/2000 FROM THE R.1.

EXT.P.5: COPY OF THE LETTER FROM PUZHATHI GRAMA PANCHAYAT DTD. 16/04/2001.

EXT.P.6: COPY OF THE LETTER DTD. 06/05/2002 FROM THE R.2.

EXT.P.7: COPY OF THE EXPLANATION DTD. 27/06/2002 FROM THE PETITIONER TO THE AUDIT OBJECTION.

EXT.P.8: COPY OF THE COVERING LETTER DTD. 27/06/2002 FROM THE PETITIONER TO R.4.

EXT.P.9: COPY OF THE LETTER DTD. 20/09/2002 FROM THE R.2.

EXT.P.10: COPY OF THE NOTICE UNDER SECTION 7, ISSUED BY SPL. DEPUTY TAHSILDAR (R.R), KANNUR DTD. 01/07/04.

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE LETTER NO. A1.1644/00 DTD. 06/01/2003 OF THE SECRETARY, MADAI GRAMA PANCHAYAT, ADDRESSED TO THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT, THIRUVANANTHAPURAM.

EXT.R4.B: COPY OF THE RESOLUTION NO. 127/02 DTD. 27/11/2002 OF THE MADAI GRAMA PANCHAYAT.

EXT.R4.C: COPY OF THE LETTER NO. 49116/CA3/03/LSGD DTD. 16/02/04 OF THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, KERALA.

EXT.R4.D: COPY OF THE SURCHARGE NOTICE NO. LF/22091/SPL.CELL/SC4/01 DTD. 20/05/02 FOR RS.53479/-.

W.P.(C). NO.22076/2004:

EXT.R4.E: COPY OF THE SURCHARGE NOTICE NO. LF/22091/SP1.CELL/SC4/01 DTD. 20/05/02 FOR RS. 26155/-.

EXT.R4.F: COPY OF THE SURCHARGE CERTIFICATE NO. LF/22091/SP1.CELL/SC4/01 DTD. 22/11/2002 FOR RS. 53479/-.

EXT.R4.G: COPY OF THE SURCHARGE CERTIFICATE NO. LF/22091/SP1.CELL/SC4/01 DTD. 22/11/2002 FOR RS.26155/-.

EXT.R4.H: COPY OF THE ORDER NO. BA5-6171/00 DTD. 14/05/2004 OF THE DISTRICT PERFORMANCE AUDIT OFFICER AND ASSISTANT DIRECTOR OF PANCHAYATS, KANNUR ISSUED TO THE R.4.

EXT.R4.I: COPY OF THE LETTER NO. A4.507/99 DTD. 24/04/2004 OF THE R.4. ADDRESSED TO THE DEPUTY DIRECTOR OF PANCHAYATHS, KANNUR.

EXT.R4.J: COPY OF THE LETTER NO. A4/507/99 DTD. 05/06/2004 ADDRESSED TO THE DISTRICT COLLECTOR, KANNUR.

EXT.R4.K: COPY OF THE RESOLUTION NO. 52/04 DTD. 24/04/2004 OF THE MADAI GRAMA PANCHAYATH.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No. 22076 of 2004

Dated this the 14th day of June, 2007

JUDGMENT

Petitioner is aggrieved by Ext.P10 recovery steps initiated at the instance of the 4th respondent. It is seen from the counter affidavit of the 4th respondent that the recovery is pursuant to the report of the Local Fund Audit. In case the petitioner has any grievance with regard to such steps taken by the Local Fund Audit, it is for the petitioner to move the Government. In the event of the petitioner approaching the Government within a period of two months from today, the matter will be duly considered by the Government with notice to the petitioner and the 4th respondent and appropriate action in accordance with law will be taken in the matter within another four months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.